

Judge Robb, cont.

diana State Bar Foundation and a Senior Distinguished Fellow of the Indianapolis Bar Foundation. She is a frequent speaker on legal topics for attorneys, other judges, and professional, civic and community organizations.

Judge Robb was Founding Chair of Governor Bowen's Commission on the Status of Women; was a recipient of a 1993 Indiana State Bar Association's "Celebrating 100 Years of Women in the Legal Profession" award; the 2001 Maynard K. Hine distinguished alumni award given in recognition of support and service to IUPUI and Indiana University; the 2004 Bernadette Perham "Indiana Women of Achievement" Award, bestowed by Ball State University to honor of one of their outstanding professors; the 2005 Indiana State Bar Association's Women in the Law Recognition Award; the 2006 Tippecanoe County YWCA Salute to Women "Women of Distinction" Award; the 2007 Warren G. Harding High School, Warren, Ohio, Distinguished Alumni

Award; the 2010 Indiana University Alumni Association President's Award, a 2010 Indiana Lawyer Distinguished Barrister Award, the 2011 Indianapolis Bar Association Women and the Law Committee's Antoinette Dakin Leach Award and the 2011 David Hamacher Award from the Appellate Practice Section of the Indiana State Bar Association.

Judge Robb chairs the Supreme Court Task Force on Family Courts and is involved in several projects to benefit the Indiana legal system. She also chaired the Supreme Court task force for the development of Trial Court Local Rules, has also served as a member of the Indiana Board of Law Examiners, the Governance Committee of the Supreme Court IOLTA (Interest on Lawyer Trust Account) Committee; the Federal Advisory Committee on Local Rules for the Federal Court for the Northern District of Indiana; and the Federal Advisory Committee for the Expediting of Federal Litigation.

Judge Robb authored "Reflections of Baseball, Life and the Law" in the Indi-

ana State Bar Association's journal, *Res Gestae* and "Running Bases, Winning Cases: Why the Grand Old Game of Baseball is like the legal profession" in the ABA's journal. She also authored a chapter on Supreme Court Justice Leonard Hackney in, *Indiana Supreme Court Justices*, and co-authored a chapter, "From Juvenile Courts to Family Courts," in *Essays on Indiana Legal History*.

In addition, she serves on the ABA Committee that accredits law schools and chaired the 2010 ABA's Appellate Judges Council-Appellate Judges Education Institute's national Summit for Judges, lawyers and Staff attorneys. Judge Robb is an elected member of the American Law Institute (ALI).

Judge Robb was retained on the Court of Appeals in 2000 and 2010, is married to a professor at Purdue University. Their son, a graduate of the United States Naval Academy, is a lieutenant on active duty in the United States Navy.

Why the judge wore black

Black robes as judicial garb is a centuries-old tradition with obscure roots. There are variations.

Judges on the Maryland Court of Appeals (that state's highest court) wear red robes. Former United States Chief Justice William Rehnquist unilaterally added gold stripes to his sleeves.

"I always heard that the reason we wear robes is because we represent uniform justice and not our individual proclivities," Judge Margret G. Robb says.

That principle also applies to such ensembles as symphony musicians and soldiers.

Tradition, not rules or laws, are behind the relative uniformity of judicial garb.

All of Indiana's current Supreme Court and Court of Appeals judges wear undorned black robes, although some of the women sometimes wear collared blouses.

Senior Judge Betty Barteau says she always wore a white judicial collar when she was a full time member of the court, but as a trial court judge she occasionally wore navy or dark green robes.

For the record, robes are reserved for court and ceremonial events. Around the office, judges dress like the rest of us.

SYNOPSIS

On Sept. 9, 2011, Christopher Wertz was driving in Madison County when he lost control of his vehicle and struck a utility pole. Wertz was severely injured, and his passenger, Megan Solinski, died at the scene of the accident as a result of injuries sustained.

Law enforcement officers found a Garmin GPS device near the wrecked vehicle. An officer obtained the password to Wertz's GPS device and was able to collect information from the device, including the route Wertz traveled and his speed at the time of the accident.

The State charged Wertz with reckless homicide, a Class C felony, and Wertz filed a motion to suppress evidence obtained through the warrantless search of his GPS device, arguing that the search violated his rights under the Fourth Amendment. The trial court denied Wertz's motion to suppress. Wertz appeals the trial court's decision and argues that the police officers' search of his GPS device was unconstitutional.

Wertz argues that the officers' search of his GPS device was unconstitutional because they did not obtain a warrant for the search. He claims that his GPS is similar to a computer, which holds private information and requires a warrant to be searched by police.

The State contends that a warrant was unnecessary because the GPS was found near Wertz's car and because it contained only non-private information that Wertz had previously exposed to the public, such as where and how fast he drove.

The State also argues that even if the search was unconstitutional, the evidence the police obtained can still be used against Wertz because the officers who searched his GPS device acted in good faith and reasonably believed that a warrant was unnecessary.

Court of Appeals of Indiana

*Hearing oral argument at
Hammond Academy of Science & Technology
Tuesday, April 14, 2015 @ 1 p.m.*



Wertz v. State
48A04-1409-CR-427

*On Appeal from Madison Circuit Court
The Honorable Dennis D. Carroll, Judge*

Judge Bailey, cont.

Indianapolis Bar Association’s Bar Leader Series; in 2009, he was designated an ASTAR Science and Technology Fellow and is a past Board Member of the Indiana Judges Association. Currently, Judge Bailey is a member of the Supreme Court Committee on Rules of Practice and Procedure and is Chair of the Indiana State Bar Association’s Appellate Practice Section. Also, he is in his second term as a Board Member of the Indiana University McKinney School of Law Alumni Association. Additionally, Judge Bailey serves as an adjunct professor at the University of Indianapolis. Judge Bailey was retained on the Court of Appeals in 2000 and 2010. His wife is a professor; the couple has two post college-age children.

Judge Riley, cont.

Alumni Association, and a member of the Indianapolis Rotary Club. She also has extensive international legal experience. In 2008, she co-founded the Legal Aid Centre of Eldoret, Kenya (LACE), which provides legal access to justice in the AMPATH medical center for its HIV/AIDS patients. In 2011, Judge Riley traveled with the Washington, D.C.-based International Judicial Academy to The Hague, Netherlands, to observe the International Criminal Court and two International Criminal Tribunals that are hearing cases from Sierra Leone and the former Yugoslavia.

In 2012 she participated in the 3rd Sino-U.S. Law Conference at the National Judges College of the People’s Republic of China, which oversees all aspects of that country’s judicial training, placement and promotion. In 2013, she lectured on judicial ethics at the Justice Academy of Turkey and in 2014 joined an Indiana University team of legal observers at the U.S. detention facility at Guantanamo Bay, Cuba. Judge Riley is the mother of two sons. She was retained on the Court by election in 1996 and 2006 and later served as presiding judge of the court’s Fourth District.

COURT OF APPEALS MISSION STATEMENT:
“TO SERVE ALL PEOPLE
BY PROVIDING EQUAL JUSTICE
UNDER LAW”

Attorneys for the Parties

For the Appellant

B. Joseph Davis was born and raised in Muncie, where he earned a BS in biology from Ball State University in 1995. He earned a Masters of Studies in Environmental Law from Vermont Law School in 1998, then obtained his Juris Doctorate from Indiana University-Bloomington in 2002 while simultaneously earning a Masters Degree in biology from Ball State. Mr. Davis has litigated several jury trials and initiated and fully briefed several appeals before the Indiana Court of Appeals. He also has conducted oral argument before the Indiana Supreme Court and is admitted to practice in the Northern and Southern Districts of U.S. District Court, Indiana, including both bankruptcy courts, and in the Court of Federal Claims. He owns and operates the law firm of B. Joseph Davis, PC, where he employs one staff attorney, an office manager and two paralegals. Mr. Davis enjoys boating, tubing, skiing, wakeboarding, and fishing with his wife, children, family, and friends. With children at ages 14, 10, and 7, he enjoys the work-family balance that a small law practice provides. Mr. Davis feels that he has been blessed in this regard and often assists others by performing pro bono work and supporting charitable organizations and youth sports programs.

For the Appellee

Larry D. Allen began working in the Office of the Indiana Attorney General in early 2012 as a law clerk and is currently a Deputy Attorney General in Criminal Appeals. Mr. Allen graduated from Olivet Nazarene University in 2004 with a major in political science. Before going to law school, he worked in the non-profit sector in the areas of international human rights and media. Mr. Allen earned his law degree from Indiana University McKinney School of Law in 2012. While in law school, he participated in the Staton Moot Court Competition, the Global Crisis Leadership Forum, and earned the Norman Lefstein Award of Excellence for his pro bono work with Indiana Legal Services’ Senior Law Project. Mr. Allen is from Bloomington where he currently lives with his wife, Jennifer.

What happens after oral argument?

After oral argument, the judges confer to decide the outcome. A designated writing judge drafts an opinion for the others’ review. Final language may involve several drafts and significant collaboration. Generally, opinions affirm or reverse lower court rulings in whole. But some affirm in part, some reverse in part, and some do both. Not infrequently, the opinion instructs the trial court about the next appropriate course of action. Many opinions are unanimous, although non-unanimous decisions (2-1) are not uncommon. Dissenting judges usually express their views in a separate opinion that becomes part of the permanent record of the case. Judges might also write separate, concurring opinions that emphasize different points of law or facts than the main

opinion. No rules or laws govern how fast the court must issue an opinion. But the court strives to decide cases within four months of receiving all briefs, transcripts and other records. Once issued, all opinions are published on *www.courts.in.gov* and maintained in the permanent records of the Clerk of Appellate Courts. Parties can appeal decisions of the Court of Appeals to the Indiana Supreme Court by filing a petition to transfer within a prescribed number of days. But transfer is not automatic; the Supreme Court can grant or deny transfer with or without giving a reason. If the petition is denied, the Appeals Court decision stands.

Today’s Panel of Judges



**The Honorable
L. Mark Bailey**

Decatur County

Lloyd Mark Bailey was raised on the family farm in Decatur County. He was educated in Indiana, earning a B.A. from the University of Indianapolis (1978); a J.D. from Indiana University McKinney School of Law (1982); and an M.B.A. from Indiana Wesleyan University (1999). He also completed the graduate program for Indiana Judges. Judge Bailey was appointed to the Indiana Court of Appeals by Governor Frank O’Bannon in 1998, after having served as judge of the Decatur County and Decatur Superior Courts. During his legal career, Judge Bailey has served public interest and professional organizations in various capacities. He was the first Chairperson of the Indiana Pro Bono Commission, having been awarded the Indiana Bar Foundation’s Pro Bono Publico Award and the 2002 Randall Shepard Award for his pro bono contributions. His writings include: “A New Generation for Pro Bono,” “Pro Bono Participation Preserves Justice,” and “An Invitation to Become Part of the Solution,” all published in the *Indiana Lawyer*. Judge Bailey also chaired the Local Coordinating Council of the Governor’s Task Force for a Drug-Free Indiana and the Judicial Conference Alternative Dispute Resolution Committee. Additionally, he has served on the Judicial Education Committee of the Judicial Conference of Indiana. In 2004, Judge Bailey and his First District colleagues received the Indiana Bar Foundation Law-Related Education Award for their commitment to bringing oral arguments into community settings. In February of 2006, he served as the Distinguished Jurist in Residence at Stetson University College of Law; in 2007-08, he was the Moderator of the

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**The Honorable
Patricia A. Riley**

Jasper County

Patricia A. Riley was named to the Court of Appeals of Indiana by Governor Evan Bayh in January of 1994. A native of Rensselaer, IN, Judge Riley earned her bachelor’s degree from Indiana University-Bloomington in 1971 and her law degree from the Indiana University School of Law-Indianapolis in 1974. Early in her career she served as a Deputy Prosecutor in Marion County and a public defender in Marion and Jasper counties before entering into private practice in Jasper County. She served as a judge of the Jasper Superior Court from 1990 to 1993. She is a former associate professor at St. Joseph’s College in Rensselaer and currently an adjunct professor at the Indiana University School of Law-Indianapolis. Judge Riley’s legal memberships include the Indianapolis Bar Association, the Marion County Bar Association, and the Indiana State Bar Association, including co-chair of the ISBA’s Racial Diversity in the Profession Section; member, Women in the Law Committee; and member, Committee on Improvements in the Judicial System. Judge Riley is the former chair of the Appellate Practice Section of the American Bar Association, and a member of the ABA’s Judicial Division International Courts Committee. She is a member of the Indiana Judges Association and the Board of Directors of the National Association of Women Judges. Judge Riley’s civic associations include being on the Board of Directors of the Greater Indianapolis Health Foundation, Board of Directors of Global Peace Initiatives, Board of Directors and Treasurer of the Indiana University School of Law–Indianapolis

- continued on p. 2



**The Honorable
Margret G. Robb**

Tippecanoe County

Margret G. Robb was appointed to the Court of Appeals of Indiana in July 1998 by Governor Frank O’Bannon. She holds a B.S. and an M.S. in Business Economics from Purdue University, a Magna Cum Laude J.D. from Indiana University Robert H. McKinney School of Law and is a graduate of the Graduate Program for Indiana Judges. In 2011 she began a three year term as chief judge; the first woman to hold that position in the Court’s more than 100 year history. Prior to her appointment to the Court, Judge Robb was, for 20 years, engaged in the general practice of law in Lafayette, and served as a Chapter 11, 12 and a standing Chapter 7 Bankruptcy trustee for the Northern District of Indiana. She was a registered family and civil mediator and served as a Tippecanoe County Deputy Public Defender. She has been an officer of the Indiana State Bar Association, the Fellows of the Indiana State Bar Foundation, Tippecanoe County Bar Association, National Association of Women Judges, the Indiana University School of Law- Indianapolis Alumni Association and the Bankruptcy Section of the Indiana State Bar Association. She has also been a Board member of the Appellate Judges Council of the American Bar Association, the Indianapolis Bar Association, the Indianapolis Bar Foundation, the Senior Council Section of the Indianapolis Bar Association, the Appellate Practice Section of the Indiana State Bar Association and the Appellate Judges Education Institute. She was the moderator for the 2005-2006 and Chair for the 2006-2007 Indianapolis Bar Association’s Bar Leader Series, and is a member of the American Bar Foundation, American Judicature Society, a Master Fellow of the In-

- continued on p. 4